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TRANSMITTED TO:	Central Fax
OF:	U.S. Patent and Trademark Office
FROM:	Ernest J. Beffel, Jr.
CLIENT/MATTER:	Application No. 09/708,944 (BLFR 1000-1)
DATE:	6 January 2006

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Atty Docket No.: BLFR 1000-1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert E. DVORAK et al.

Application No. 09/708,944

Confirmation No. 3032

Filed: 8 November 2000

Title: **METHOD AND APPARATUS FOR
DISTRIBUTION OF FASHION AND
SEASONAL GOODS**

Group Art Unit: 3623

Examiner: Romain JEANTY

CUSTOMER NO. 22470

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SUBSTANCE OF INTERVIEW

Sir:

In connection with a telephonic interview held with Examiner Jeanty on Thursday, 5 January 2006, in the above-referenced patent application, Applicants hereby submit this Statement of Substance of Interview.

The telephone call began as a status inquiry, following up on Applicants' mailing of an appeal brief on 26 August 2005, to which no Examiner's Answer has been received. It appeared that the mailroom labeled the brief both "Notice of Appeal" and "Appeal Brief". As a result, it had not yet come up on the Examiner's docket.

We asked whether the Examiner would have time to suggest any allowable subject matter in this case that might warrant filing an RCE instead of pursuing the already briefed appeal. He asked what amendments might be offered and we asked what would be likely to advance the case to allowance.

Page 1 of 3

Application No.: 09/905,255**Atty Docket: BLFR 1000-1**

The Examiner looked at claims 1 and 25 and asserted that they sounded very broad. We indicated that the limitations regarding product-location specific historical data were concrete and that none of the Examiners who were working on the related cases had found art that we believed meet these limitations. We mentioned having seen Examiner Jeanty's signature on papers recently prepared by Examiner Van Doren. We indicted that another related case is pending before Examiner Hirl in Art Unit 2121.

Examiner Jeanty asked about the status of discussions with Examiner Hirl and we said that we thought they were proceeding toward allowance. The Examiner asked for a copy of the claim that we thought was favorably received. We offered to provide a copy of the interview summary from our session with Examiner Hirl, which we attach.

For convenience, we repeat from the related interview summary, "Applicants offered a claim draft that Examiner Hirl appreciated. The claim that seemed agreeable was:

A computer-implemented method of simulating unit inventory and unit sales on a bottom-up per location basis for a plurality of items at a plurality of locations, including:

computer-based modeling at a per-item, per-location level and simulating on a daily or more frequent basis of how inventory levels (including stock-outs), simulated deliveries (including lead times for particular locations and deliveries responsive to notional, future orders) and projected demand (taking into account timing of planned promotions) interact for particular items at the particular locations; and

applying planned item pricing to derive simulated dollar inventory and simulated dollar sales of the items at the locations."

Applicants are in the process of preparing an amendment to offer this claim for examination in Examiner Hirl's case.

If Examiner Jeanty believes that language of this sort would advance his case or Examiner Van Doren's several cases towards allowance, we would welcome a telephone interview to discuss potential wordings. The undersigned can ordinarily be reached at his office at (650) 712-0340 from 8:30 a.m. to 5:30 p.m. PST, Monday through Friday, and can be reached at his cell phone at (415) 902-6112 most other times.


Application No.: 09/905,255

Atty Docket: BLFR 1000-1

Should it be determined that any fees are required with regard to the filing of this document, the Commissioner is hereby authorized to charge Deposit Account No. 50-0869 (BLFR 1000-1) accordingly.

Respectfully submitted,

Dated: 6 January 2006


Ernest J. Beffel, Jr.
Registration No. 43,489

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(ATTACHMENT FOLLOWS)

Atty Docket No.: BLFR 1007-1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert E. DVORAK et al.

Application No. 09/905,205

Confirmation No. 4488

Filed: 13 July 2001

Title: **METHOD AND APPARATUS FOR
PLANNING ANALYSIS**

Group Art Unit: 2121

Examiner: Joseph P. HIRL

CUSTOMER NO. 22470

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

**COPY
FOR EXAMINER JEANTY**

STATEMENT OF SUBSTANCE OF INTERVIEW

Sir:

In connection with the interview held with Examiner Hirl on Thursday, 6 October 2005, in the above-referenced patent application, Applicants hereby submit this Statement of Substance of Interview. Prior to the interview, we submitted a proposed agenda, the substance of which is reproduced below:

The spirit of this interview is to advance the case towards allowance. Applicants participated in a telephone interview on 31 May 2005 with the Examiner and sensed that progress can be made. Applicants are prepared to offer amendments after discussion of the Examiner's suggestions, if necessary. Applicant would like to discuss with the Examiner the best way to advance the case towards allowance.

Issues for the interview include:

1. Agree on a definition of "simulation" to be applied in the case.

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Atty Docket: BLFR 1007-1

2. Agree on meaning of "planned transaction pricing".
3. Review attached slide show that was previously presented to Examiner Van Doren.
4. Any amendments that would allow the claims to proceed to allowance.

During interview, we discussed Examiner Hirl's experience with simulations, including real time simulation and ray tracing of torpedo performance.

Applicants offered a claim draft that Examiner Hirl appreciated. The claim that seemed agreeable was:

A computer-implemented method of simulating unit inventory and unit sales on a bottom-up per location basis for a plurality of items at a plurality of locations, including:

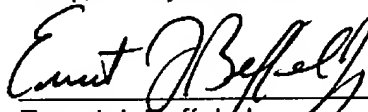
computer-based modeling at a per-item, per-location level and simulating on a daily or more frequent basis of how inventory levels (including stock-outs), simulated deliveries (including lead times for particular locations and deliveries responsive to notional, future orders) and projected demand (taking into account timing of planned promotions) interact for particular items at the particular locations; and

applying planned item pricing to derive simulated dollar inventory and simulated dollar sales of the items at the locations.

Applicants are in the process of preparing an amendment to offer this claim for examination.

Should it be determined that any fees are required with regard to the filing of this document, the Commissioner is hereby authorized to charge Deposit Account No. 50-0869 (BLFR 1007-1) accordingly. The undersigned can ordinarily be reached at his office at (650) 712-0340 from 8:30 a.m. to 5:30 p.m. PST, Monday through Friday, and can be reached at his cell phone at (415) 902-6112 most other times.

Respectfully submitted,



Ernest J. Beffel Jr.
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Dated: 6 January 2006

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